

# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** December 1, 2006  
**AGENDA DATE:** December 7, 2006  
**PROJECT ADDRESS:** 501 Niños Drive (MST2006-00590/CDP2006-00019)  
 Highway 101 Improvements Project Wetlands Mitigation  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470  
 Jan Hubbell, AICP, Senior Planner  
 Michael Berman, Project Planner

### **I. PROJECT DESCRIPTION**

The project would establish a minimum of 1,240 square feet of wetland on the west bank of Sycamore Creek. An area of approximately 4,000 square feet would be graded to widen the creek channel in order to create 1,240 square feet of new wetland. The banks of the creek would also be graded to reduce the bank slope and 400 cubic yards of soil and concrete rubble would be removed and disposed of off-site (see attached Exhibits B and C). Five mature eucalyptus trees and weedy, non-native vegetation would be removed. Two large limbs of a large Eucalyptus tree on the east bank of the creek, overhanging the restoration area, would be removed. An area approximately 6,000 square feet including the new wetland and graded creek banks would be planted with 36 native sycamore, poplar and alder trees and 364 native shrubs. A temporary drip irrigation system would be installed. Temporary fencing would also be installed to keep people out of the area where plants are being established. The fencing will be removed once the plants have been established (5 years). The project site, including the plantings, fencing and irrigation system, would be maintained by CALTRANS for a five year period. At that time, the project site would be turned over to the Parks and Recreation Department for maintenance, which is expected to be minimal. This project fulfills a mitigation/condition of approval requirement of the US Highway 101 Operational Improvement Project (MST2004-00701).

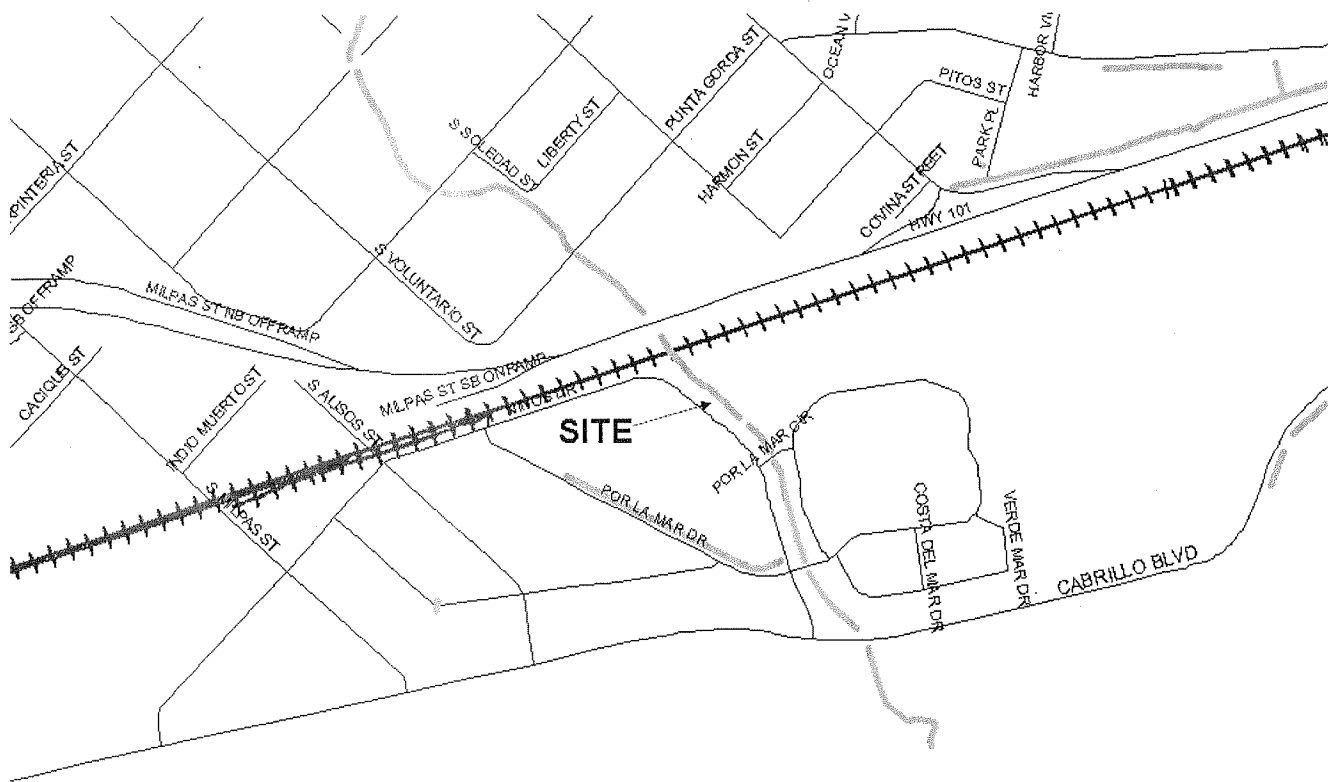
### **II. REQUIRED APPLICATIONS**

The discretionary applications required for this project are:

1. Approval of development within a park located within the Coastal Zone. (SBMC §28.037.010.C.2); and,
2. A Coastal Development Permit (CDP2006-00019) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.45.009).

### III. RECOMMENDATION

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan and Local Coastal Plan. In addition, the type and size of the wetlands restoration project is consistent with the surrounding park area neighborhood. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



Ocean  
PROJECT LOCATION MAP

APPLICATION DEEMED COMPLETE:  
DATE ACTION REQUIRED:

October 26, 2006  
January 24, 2007

#### **IV. SITE INFORMATION AND PROJECT STATISTICS**

##### **A. SITE INFORMATION**

Applicant: Mike Sandecki, CALTRANS	Property Owner: City of Santa Barbara
Parcel Number: 017-362-005	Lot Area: 211,017 square feet
General Plan: Recreation and Open Space/Buffer Stream	Zoning: Park/Recreation
Existing Use: Unimproved Open space	Topography: 0.04%
Adjacent Land Uses: North – Creek/Zoo Parking lot/Railroad East – Creek/Zoo Parking lot South – Park West - Park	

#### **V. ZONING ORDINANCE CONSISTENCY**

The Community Development Director has determined the wetlands restoration is an allowed improvement in the Park and Recreation Zone open space category assigned to this park location under Section 28.37.030.A.2 of the Zoning Ordinance. Because the proposed project is located within the Coastal Zone, the project is subject to review by the Planning Commission pursuant to Section 28.37.010.C of the Municipal Code

#### **VI. ISSUES**

##### **A. PARK AND RECREATION COMMISSION REVIEW**

The project was reviewed by the Park and Recreation Commission at a meeting on November 15, 2006. Members of the Park and Recreation Commission expressed concern that the project had not been reviewed by the Creeks Committee, indicated that it should be reviewed by the Creeks Committee to ensure that the species are appropriate for the location and that the plants proposed should be from local stock and appropriate for that area. Creeks Division Staff indicated that the Creeks Committee would be given an opportunity to review the project and that, based on the California Native Plant Society book "Flowering Plants of the Santa Monica Mountains and Coastal Regions of Southern California," and the United States Forest Service Distribution and Occurrence database, the proposed plant materials are appropriate for coastal plains in the area. Also, the proposed plant palette is similar to the one used at the Arroyo Burro Creek restoration project.

##### **B. DESIGN REVIEW**

This project was reviewed by the ABR on November 20, 2006 (See Exhibit E). The ABR stated that the remaining area that would not be restored on the East Bank and south and north of the project should also be restored, perhaps by the Parks and Recreation Department. The ABR granted preliminary approval and indicated the project would greatly improve the appearance of the area.

## **C. COMPLIANCE WITH THE GENERAL PLAN/LOCAL COASTAL PLAN**

### **General Plan**

#### *Land Use Element*

The project is located within the East Beach neighborhood, which includes a diverse mix of industrial, motel/hotel, residential and public facility uses. The project site itself is located within the eastern edge of Dwight Murphy Park, along the edge of Sycamore Creek, in an area that is currently unimproved and somewhat degraded. The area is not used for active recreation. The Land Use Plan indicates that the project site is designated Open Space. The Zoo parking lot is located immediately east of the project area. The proposed wetlands are an appropriate use in an open space area.

#### *Conservation Element*

The Conservation Element includes policies designed to restore and enhance creekside environments and to improve the visual appearance of the area. Policy also requires maintenance of the visual appearance of an area by not unnecessarily removing trees, enhancing ecological resources, and encourages recreation and open space in flood zones. The proposed project would remove five Eucalyptus and cut back a sixth eucalyptus tree on the east bank of the creek that is projecting over the restoration area. Eucalyptus trees are not native to the area and would inhibit growth of native species included in the restoration plan. The visual appearance of the area would be improved by the planting of 36 native trees and 364 shrubs and the proposed project would improve the ecological value of the area by expanding the area available for wetland plants and establishing native plants. The area would remain in open space although access to the public would be temporarily curtailed during the plant establishment period of five years.

### **Local Coastal Plan**

The project area is located within Component 6: Punta Gorda Street to the eastern City limit. Dwight Murphy Field, a city park that is equipped with lighted baseball and soccer fields and a children's play area, is located in the area of generally low lying terrain. The area east of Sycamore Creek and south of the project area is developed in multiple family dwellings. The General Plan indicates public facilities for all of the park areas.

Local Coastal Plan policies applicable to this project address issues of access, views, recreation, erosion/geological stability, and biological sensitivity. The project would include a temporary fence to exclude members of the public from the area while the plants installed establish themselves. This fence would temporarily exclude access to the area west of Sycamore Creek to the edge of Niños Drive. This area does not currently provide access to or along the coast along any recognized path of travel. Adequate access already exists along adjacent roadways. The area is degraded and restoration would be beneficial to Sycamore Creek habitat. The landscaping plan includes use of plants designed to keep members of the public out of the area because it would be sensitive biologically. Since the fence is temporary, the loss of access to the area would not interfere with any legitimate path of travel, and is necessary to facilitate creek restoration; therefore, the project would be consistent with policies regarding provision of access to and along the coast (Coastal Act Section 30212 (a)).

Section 30221 of the Coastal Act and associated policies protect areas for recreational use. The project area functions as open space adjacent to an active recreation area. The project would not have a substantial impact on recreational uses. Therefore, the project is consistent with the statute and applicable policies regarding recreation.

Section 30231 of the Coastal Act requires that biological productivity be protected and enhanced. The proposed project is consistent with this statute and associated policy because the project would restore and enhance the currently degraded area adjacent to Sycamore Creek.

Section 30251 of the Coastal Act and associated policies require consideration and protection of the visual qualities of an area. The project would remove five mature eucalyptus trees and would create a wetland and restore the western bank of Sycamore Creek. The eucalyptus trees would not be compatible with the proposed native plants proposed as a part of the restoration project. There is a substantial grove of Eucalyptus trees east of the creek that would remain after the project is implemented. The restoration project would improve the appearance of the visually degraded creek bank by removing concrete and an abandoned concrete down pipe along the creek bank and installing native plant species. Long range views of the site would be slightly affected by removal of the mature Eucalyptus trees but this impact would be minimal due to the existence of an adjacent grove of similar trees that would still be visible in the distance and the introduction of a more native biological community, including native trees, where mostly dirt currently exists.

Section 30253 of the Coastal Act and associated policies require that geological instability not be created and erosion minimized. The project includes planting of native plant species, including willow trees, which are designed to minimize creek bank erosion. The CALTRANS hydrologist has indicated that flows in this area are slow due to the low gradient of the creek, so erosion potential would be low. The project is not expected to create any geological instability because it is located on relatively flat terrain with no relevant geological constraints. Therefore, the project is consistent with this statute and policy.

#### **D. ENVIRONMENTAL REVIEW**

The project has been found to be exempt from further CEQA review per CEQA Guidelines section 15333, small wetlands restoration projects. The US Fish and Wildlife Service and California Department of Fish and Game were consulted and indicated that the project would not have significant impacts on the environment. An archaeological survey conducted by CALTRANS did not identify any archeological resources in the project area. A standard condition of approval applied to this project requires monitoring during initial ground disturbance. Therefore, no significant environmental impacts are anticipated.

### **VII. FINDINGS**

The Planning Commission finds the following:

**PR ZONE (SBMC § 28.37.025)**

1. That the proposed park and recreation improvements are appropriate or necessary for the benefit of the community and visitors;
2. That the proposed park and recreation facilities including lighting, play areas, parking facilities and associated landscaping, will be compatible with the character of the neighborhood;
3. That the total area of the site and the setbacks of all facilities from the property lines and street are sufficient, in view of the physical character of the land, proposed development and neighborhood, to avoid significant negative effects on surrounding properties;
4. That the intensity of park use is appropriate and compatible with the character of the neighborhood;
5. That the proposed park and recreation facilities are compatible with the scenic character of the City; and
6. That any proposed structures or buildings are compatible with the neighborhood in terms of size, bulk and scale or location. (Ord. 4919, 1995.)

**COASTAL DEVELOPMENT PERMIT (SBMC §28.45.009)**

1. The project is consistent with the policies of the California Coastal Act.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code.
3. The project is consistent with the Chapter 3 (commencing with Section 30200) Policies of the Coastal Act regarding public access and public recreation.

**Exhibits:**

- A. Conditions of Approval
- B. Site Plan
- C. Landscape Plan
- D. Applicant's letter, dated September 22, 2006
- E. ABR Minutes
- F. Applicable General Plan/Local Coastal Plan Policies
- G. Memorandum, Terry L. Joslin, District 5 Archaeologist, September 18, 2006
- H. Email, Steve Kirkland, Fish and Wildlife Biologist, July 20, 2006

PLANNING COMMISSION CONDITIONS OF APPROVAL

501 NIÑOS DRIVE  
COASTAL DEVELOPMENT PERMIT  
DECEMBER 7, 2006

A. **Required Conditions.** The following conditions shall be imposed on the project:

1. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan as approved by the Architectural Board of Review (ABR)/Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the ABR/HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. The landscape plan shall include the removal of the two limbs of the large Eucalyptus tree that overhang the project area, located on the east bank of Sycamore Creek.
2. **Allowed Development.** The development of the Real Property approved by the Planning Commission on December 7, 2006 is limited to construction of a minimum of 1,240 square feet of wetland parallel and adjacent to Sycamore Creek. An area of approximately 4000 square feet would be graded to create a depression and 400 cubic yards of soil and concrete rubble would be removed and disposed of off-site. Five mature eucalyptus trees and weedy, non-native vegetation would be removed. Two large limbs of a large Eucalyptus tree on the east bank of the creek, overhanging the restoration area, would be removed. Approximately 6,000 square feet would be planted with 36 native sycamore, poplar and alder trees and various native shrubs. Irrigation would be installed and the plantings would be established and maintained over a five year period. At that time, the project site would be turned over to the Park and Recreation Department for maintenance, which is expected to be minimal. Erosion controls would be utilized, temporary irrigation would be installed and proposed plantings would be established before the project would be turned over to the Park Department for maintenance. The applicable plans are signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
3. **Pesticide and Fertilizer Usage Near Creeks.** The use of pesticides and fertilizer shall be prohibited within the area draining directly into Sycamore Creek.
4. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities, structures, or trees must be performed by the applicant. Removal and relocation must be accomplished at no expense to the City.
5. **Park Commission Tree Removal Approval.** Apply for and receive approval from the Park Commission for the removal of trees (with a trunk diameter greater than four (4) inches at a point twenty-four (24) inches above the ground) on park property.
6. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be

halted immediately, the City Environmental Analyst shall be notified and an archaeologist from the most current City Qualified Archaeologists List shall be retained by the applicant. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

7. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Operations Manager.
8. **Construction Parking and Storage.** Construction parking and storage shall be provided as follows:
  - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Streets, Parking, and Transportation Operations Manager.
  - b. Storage of construction materials within the public right-of-way is prohibited.
9. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday between the hours of 5:00 p.m. and 8:00 a.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara as shown below:



New Year's Day	January 1 <sup>st</sup> *
Martin Luther King's Birthday	3 <sup>rd</sup> Monday in January
Presidents' Day	3 <sup>rd</sup> Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 <sup>th</sup> *
Labor Day	1 <sup>st</sup> Monday in September
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Friday following Thanksgiving Day	
Christmas Day	December 25 <sup>th</sup> *

\*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday

10. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.

11. **Transported Fill.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
12. **Disturbed Soil Stabilization.** After clearing, grading, earth moving and/or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind pickup of soil. This may be accomplished by:
  - a. Seeding and watering until grass cover is grown;
  - b. Spreading soil binders;
  - c. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;  
or
  - d. Other methods approved in advance by the Air Pollution Control District.
13. **Construction Contact Sign.** Prior to the commencement of construction, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s)

and telephone number, work hours and site rules to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.

14. **Tree Protection.** All trees not indicated for removal on the site plan shall be preserved, protected and maintained.
15. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
16. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department.
17. **Graffiti Abatement Required.** Applicant and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Applicant's expense, as provided in SBMC Chapter 9.66.
18. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses and costs of that independent defense.

#### **NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Planning Commission's action approving the Coastal Development Permit shall expire two (2) years from the date of approval, per SBMC 28.45.009.q, unless:

1. Otherwise explicitly modified by conditions of approval of the development permit, or unless construction or use of the development has commenced.
2. A building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. A one (1) year time extension may be granted by the Planning Commission if the construction authorized by the permit is being diligently pursued to completion and issuance of a Certificate of Occupancy. Not more than three (3) extensions may be granted.



DATE	REVISOR	DATE	REVISOR

CHECKED BY

# EXHIBIT B

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

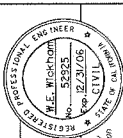
Caltrans

ALL DIMENSIONS ARE IN METERS  
UNLESS OTHERWISE SHOWN



DIST	COUNTY	ROUTE	PROJECT NO.	SHEET NO.
05	SB	101	17.4/20.6	

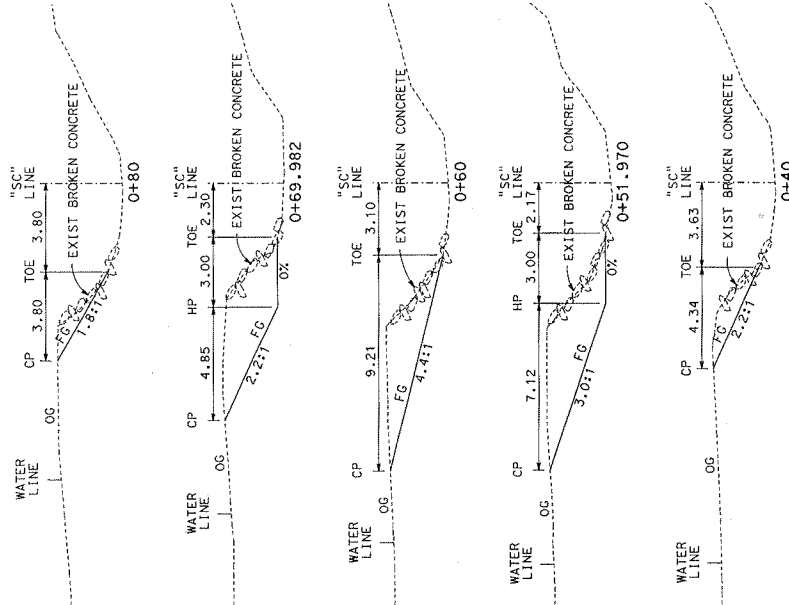
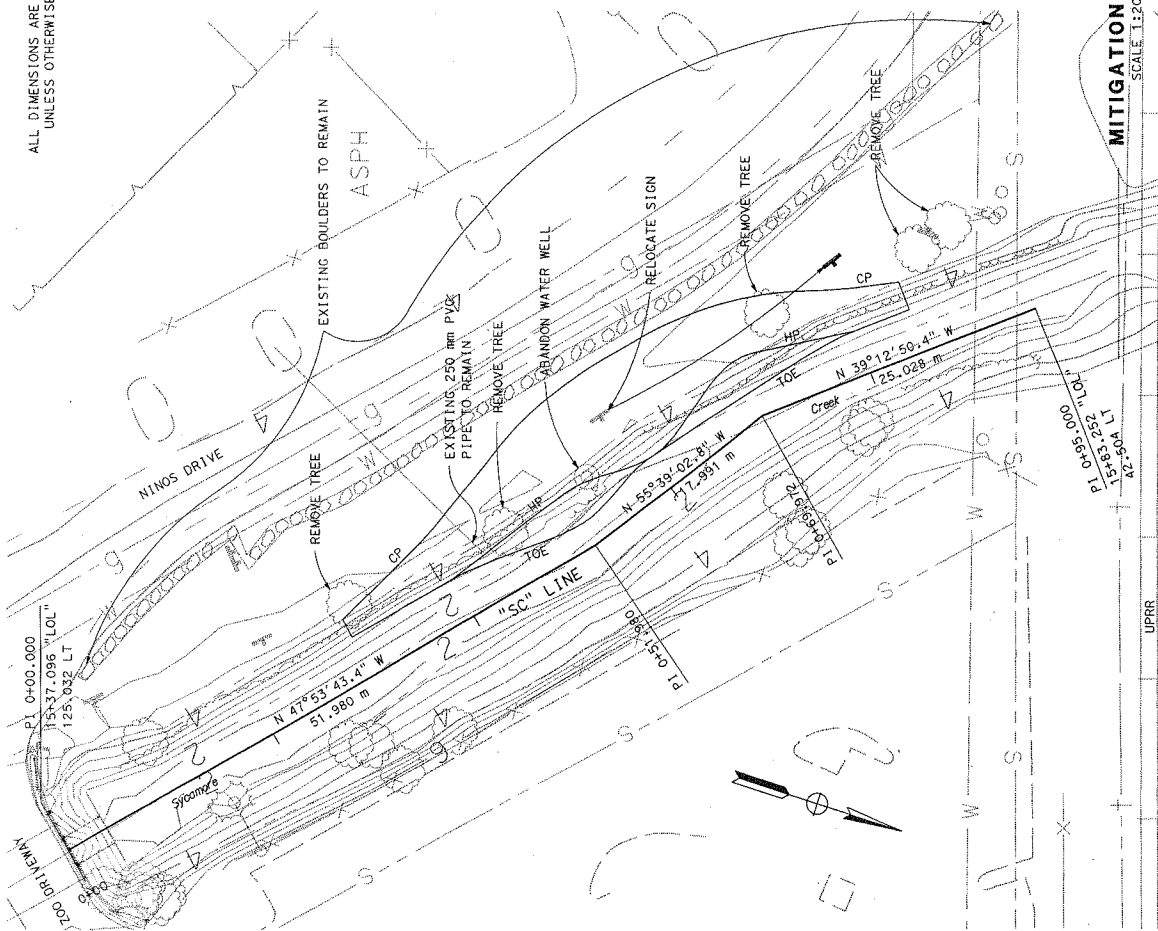
REGISTERED CIVIL ENGINEER



PLANS APPROVAL DATE

The State of California or its officers or agents shall not be responsible for the accuracy or completeness of electronic copies of this plan sheet.

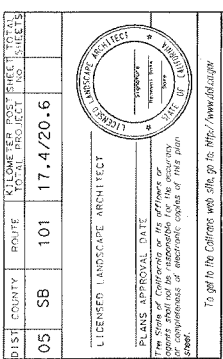
To get the Caltrans web site, go to <http://www.dot.ca.gov>



## CONSTRUCTION DETAILS C-26

SCALE AS SHOWN





**APPLICABLE WHEN CIRCLED:**

① - Plant in clusters of 10 plants. Arrange clusters so clusters of the same plant number are not adjacent to each other.

ALL DIMENSIONS ARE IN METERS  
UNLESS OTHERWISE SHOWN

## MITIGATION SITE PLANTING PLAN

UPRR  
**PLAN**  
 SCALE 1:200





**DEPARTMENT OF  
TRANSPORTATION**

50 HIGUERA STREET  
SAN LUIS OBISPO, CA 93401-5415  
PHONE (805) 549-3101  
FAX (805) 549-3329  
TDD (805) 549-3259  
<http://www.dot.ca.gov/dist05/>



*Flex your power!  
Be energy efficient!*

September 22, 2006

SB-101-KP 17.4/20.6 (PM 10.8/12.8)  
Santa Barbara Highway 101 Operational Improvement Project  
EA-05-44780-1

**RECEIVED**

**SEP 28 2006**

**CITY OF SANTA BARBARA  
PLANNING DIVISION**

Planning Commissioners  
City of Santa Barbara  
630 Garden Street  
Santa Barbara, CA 93101

Dear Commissioners:

This letter is to request a Coastal Development Permit (CDP) for the Highway 101 Operational Improvement Project's proposed wetland mitigation site from the Santa Barbara City Planning Commission. The current CDP for the highway project was approved by Resolution No. 059-04 on December 16, 2004 (CDP2004-00013). The proposed mitigation site was identified as the preferred location for wetland mitigation required by that CDP. The City of Santa Barbara Community Development Department has advised Caltrans that an additional CDP will be required to develop the mitigation site.

The mitigation site is within the Coastal Zone authority of the City of Santa Barbara, and is located on City property at Dwight Murphy Park at 501 Ninos Street (APN 017-040-002). Approximately 4,000 square feet will be graded and planted and an additional 2,000 square feet planted only. The project entails removal of non-native vegetation and approximately 400 cubic yards of soil and concrete debris from the bank of Sycamore Creek. Five eucalyptus trees will be removed, as specified by Park's staff, and will be replaced by 15 native sycamore, poplar and alder trees. A less steep slope to the channel and an undulating shoreline will be created and planted with a variety of native riparian and wetland plants. An obsolete concrete riser on the bank of Sycamore Creek, approximately 7 feet in diameter, will be removed. The contractor will use compliant, permitted disposal sites. No structures or lighting are proposed.

No formal review of the project has been completed, however, Caltrans staff has worked extensively with City Planning, Public Works, Community Development, City Parks and Recreation, the Highway 101 Operational Improvement Project Development Team, and with the resource agencies having jurisdiction to design the project. The Santa Barbara County Flood Control Agency has reviewed draft construction plans and has expressed support for the project. The project is inherently beneficial, comprising biological mitigation and creation of wetlands. The area will be enhanced to Parks' standards and will be commensurate with park attributes.

The certified EIR/FONSI for the Highway 101 Operational Improvement Project was considered adequate for the evaluation of the mitigation site and no amendment to the certified document was necessary. An archeological clearance was done in 2006 by certified Caltrans staff. The Biological Opinions were not reopened because NMFS and FWS staff concluded that the wetland mitigation

**EXHIBIT D**

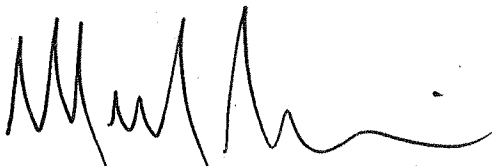
falls within the original project scope. An ACOE 404 Permit (404), a 401 Certification from the Regional Water Quality Control Board (401), and a Department of Fish and Game Streambed Alteration Agreement (SAA) will be required to address the project. The 401 and SAA will cover both the 101 Improvement Project and the mitigation site. The ACOE Permits will be specific (Nationwide applications) for each aspect of the Highway 101 Improvement Project.

The estimated time of construction is three days for excavation and grading and four days for planting. Standard BMP's will be used to control erosion. Work at the site will be initiated during the first year of the 101 Improvement Project, as stipulated in the COA's of the existing CDP. Caltrans cannot control the contractor's choice of equipment or labor to be employed at the site. However, it is expected that a hydraulic excavator will be used to excavate material and directly load a series of dump trucks to arrive at final grade. Hand-planting would be done by a labor crew.

There are no known hazardous materials at the site and no disposal of hazardous materials is planned. No easements, roads, trails or park facilities are located on the site. The site was intentionally located to use open space adjacent to Sycamore Creek and avoid the built environment.

Your timely approval of a CDP for the wetland mitigation site is respectfully requested. A submittal packet accompanies this correspondence that describes the mitigation project in detail. If you have any questions or need any additional information, please feel free to contact me at (805) 542-4791 or via email at [michael\\_sandecki@dot.ca.gov](mailto:michael_sandecki@dot.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Sandecki', with a stylized, flowing script.

Michael Sandecki  
Associate Environmental Planner  
Department of Transportation  
Central Coast Environmental Analysis Branch

cc: Michael Berman; ENV FILE; PM FILE; DESIGN FILE

## ABR DRAFT MINUTES NOVEMBER 20, 2006

### 2. CITYWIDE - U.S. HIGHWAY 101

(3:29)

Present: Mike Sandeck, Caltrans Environmental Coordinator.

Mr. Sandeck provided an overview of the proposal, stating that part of the project entails mitigation of a bird refuge wetlands site which will be impacted, and the focus of the discussion is the mitigation site selected to replace the wetlands. He also stated that a separate Coastal Development permit is required for the site. The project received approval from the Parks Commission last week, and will be presented to the Planning Commission on December 7, 2006; positive responses have been received from Fish and Game and the Army Corps of Engineers. The landscape proposal is mitigating for 250 sq ft at a ratio of 5 to 1 of wetlands. The wetlands are a tule marsh between the railroad grade and the highway, before it enters the bird refuge. The site was chosen due to its close proximity to the project impact area.

Board Comments and Questions:

(C) Does the Parks Department have plans to further your work in the future so that the work looks complete up to the bridge? (R) We are constrained in the amount of work we can do, and there is not a large area between the bridge and where our project will start.

(Q) On similar banks the Creeks Department has had an open rail wood fence to delineate the edge, any thought given to that? (R) They have expressed interest in a split rail fence, however, there is currently a line of boulders which will remain.

(C) I take it you will be removing the concrete rubble. (R) We will be removing 450 cubic yards of concrete rubble and earth and an abandoned cistern well will be taken down to grade.

(Q) Will the Canary Island palm be removed? (R) No.

(Q) On the plans it appears that the fence is quite a bit beyond the grading line, which puts it beyond the boulder line. Will you run the fence inside the boulders?

(R) I believe so. We don't intend to do any work outside of the boulder line.

(C) The project will be a vast improvement to the conditions that currently exist.

**Motion:** Continued indefinitely to the Planning Commission with the following comments: 1) The project will be a vast improvement to the condition that currently exists. 2) The project is ready for Preliminary Approval.

**Action:** Mudge/Wienke, 7/0/0. Motion carried. (Sherry absent.)



## **General Plan and Local Coastal Plan Policy**

### **General Plan Policy**

#### ***Land Use Element***

Require landscaping and maintenance in all developments. Limit the removal of substantial trees.

Maintain the unique desirability of Santa Barbara as a place to live, work and visit.

Provide safe and convenient transportation through improved traffic and circulation and increased parking.

#### ***Conservation Element***

Restore where feasible, maintain, enhance, and manage the creekside environments within the City as visual amenities, where consistent with sound flood control management and soil conservation techniques.

Protect and enhance the scenic character of the City.

Maintain the scenic character of the City by preventing unnecessary removal of significant trees and encouraging cultivation of new trees.

Trees enhance the general appearance of the City's landscape and should be preserved and protected.

Enhance and preserve the City's critical ecological resources in order to provide a high quality environment necessary to sustain the City's ecosystem.

Encourage recreation, conservation and open space uses in floodplains.

### **Local Coastal Plan**

#### **Policy 6.1**

The city, through ordinance, resolutions, and development controls, shall protect, preserve, and, where feasible, restore the biotic communities designated in the City's Conservation Element of the General Plan and any future annexations to the City, consistent with PRC Section 30240.

#### **Policy 6.8**

The riparian resources, biological productivity, and water quality of the City's coastal zone creeks shall be maintained, preserved, enhanced, and, where feasible, restored.

#### **Policy 9.1**

The existing views to, from, and along the ocean and scenic coastal areas shall be protected, preserved, and enhanced.

#### **Policy 9.10**

The City shall work with the County, Caltrans, and the Santa Barbara County Association of Governments (SBCAG) to achieve common goals and interests with regard to community concerns and the design of new highway improvements and landscaping.

#### **Policy 9.11**

Improvements proposed for Highway 101 shall minimize the removal of existing landscaping and particularly specimen and/or skyline trees. Where the City finds that vegetation removal is unavoidable, cannot be prevented, and is in the best public interest, replacement plant material shall be incorporated into the project design so as to achieve wherever feasible comparable or better landscape screening in a timely manner.

#### **Policy 9.12**

When improvements are proposed to Highway 101 in the Coastal Zone that will result in plant removal, the applicant shall submit a landscape plan prepared by a licensed landscape architect which is consistent with Architectural Board of Review requirements.

Landscape plans shall be consistent with Architectural Board of Review guidelines and shall be reviewed and approved by the Architectural Board of Review prior to issuance of a Coastal Development Permit. Conformance with the approved landscape plan shall be a condition of Coastal Development Permit approval.

**Policy 9.13**

Landscaping shall be used to improve areas where views are currently degraded (e.g., Castillo Street interchange to Hot Springs/Cabrillo interchange).

**Coastal Act**

30212. (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

30221. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

30253. New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

State of California  
Memorandum

Business, Transportation and Housing Agency

To: Michael Sandeck  
Associate Environmental Planner  
Caltrans Environmental Planning Branch

Date: September 18, 2006  
File: 05-SB-101-PM 10.8/12.8  
EA: 05-447801

From: Terry L. Joslin  
District 5 Archaeologist  
Caltrans Environmental Planning Branch



**Subject:** Section 106 Compliance for a Sycamore Creek Wetland Mitigation Site on APN 017-382-0002 for Milpas Street Interchange and the Hot Springs/Cabrillo Interchange U.S. Route 101 Operational Improvements Project within the City of Santa Barbara, Santa Barbara County

**Project Description and Background**

The Federal Highway Administration (FHWA) and the California Department of Transportation (Caltrans) propose to make operational improvements to U.S. Route 101 between the Milpas interchange and the Hot Springs/Cabrillo interchange within the City of Santa Barbara between Post Miles (PMs) 10.8 and 12.8 (Figures 1 and 2). The proposed undertaking includes construction of an additional lane on the southbound side of Route 101, interchange modifications, ramp modifications, a new undercrossing at Cacique Street, pedestrian improvements, bridge replacement at Sycamore Creek, reconstruction and extension of existing culverts, intersection improvements and wetland mitigation on Sycamore Creek.

In March 2004, a FONSI/EIR was adopted by FHWA and Caltrans for the Milpas Street Interchange and the Hot Springs/Cabrillo Interchange Project. One of the impacts the FONSI/EIR identified was a need to mitigate the loss of 50 square meters of wetland by creating a replacement wetland area. In the Coastal Development Permit issued by the City of Santa Barbara for the Route 101 Improvement Project, this same requirement was reflected, and a location on Sycamore Creek at Dwight Murphy Baseball Park is identified as the preferred site for the mitigation project. This potential mitigation project was not studied during preparation of the Historic Property Survey Report for the Milpas to Hot Springs Operational Improvements Project ((HPSR) Joslin 2000) and is not included in the March 2004 FONSI/EIR. This memo documents the Section 106 compliance for the wetland mitigation site.

**Area of Potential Effects (APE)**

In accordance with Stipulation III of the January 2004 *Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Office, and the California Department of Transportation* (PA), the APE was developed in consultation with Project Hydrologic Engineer Lyn Wickham, reviewed by Terry L. Joslin, who meets the Professionally Qualified Staff (PQS) Standards in Attachment 1 of the PA as a Co-Principal Investigator-Prehistoric Archaeology and approved by Valerie Levulett, Caltrans District 5 Heritage Resources Coordinator and Scott Eades, Caltrans District 5 Project Manager (Figure 3). The APE for the wetland mitigation site was developed to encompass all the land necessary for the construction of the wetland.

An intensive pedestrian survey was conducted of the APE as well as the area immediately around the mitigation area. Paralleling Los Ninos Drive, transects were walked in less than 5 meters intervals. The original landform is highly disturbed by the construction of the park and park facilities; sidewalk, road, and railroad construction and maintenance; and utilities installation. Soils in the vicinity are characterized by sandy silt with inclusions of fill gravel. Denuded of native vegetation, annual grasses and invasive plants are scattered along the edge of the creek.

A careful inspection of proposed the proposed Sycamore Creek Mitigation Site revealed no cultural resources in an area of excellent ground surface visibility. Surveyed areas include both the level stream terrace above the creek as well as the west bank of the creek channel. An intensive examination of the creek bank within the mapped location of the mitigation area revealed sterile soils.

### **Public Participation**

Public participation efforts for the Milpas Street to Hot Springs/Cabrillo Interchange Operational Improvements Project include public meetings and Native American consultation. These are documented in the HPSR (Joslin 2000).

### **Cultural Resources**

The results prefield research, Native American Consultation, and the recent May 2006 field survey identified no cultural resources within the proposed Sycamore Creek Mitigation area.

### **Findings**

In accordance with the PA, this memo documents a finding of No Historic Properties Affected, pursuant to 36 CFR 800.4(d)(1).

As presented, the proposed creation of a wetland mitigation site does not have the potential to affect cultural resources and no additional studies are required at this time. Ground disturbing activities will be limited to the area depicted on project construction details dated September 2006. Please contact me if project plans change at 805-549-3778, or [terry\\_joslin@dot.ca.gov](mailto:terry_joslin@dot.ca.gov).



Figure 1. Milpas St. and Hot Springs/Cabrillo Interchange  
Operational Improvements Project Location.  
SB 101 P.M. 10.8 - 12.8 (K.P. 17.4 - 20.6)  
EA 05-447801

California Department of Transportation  
District 05

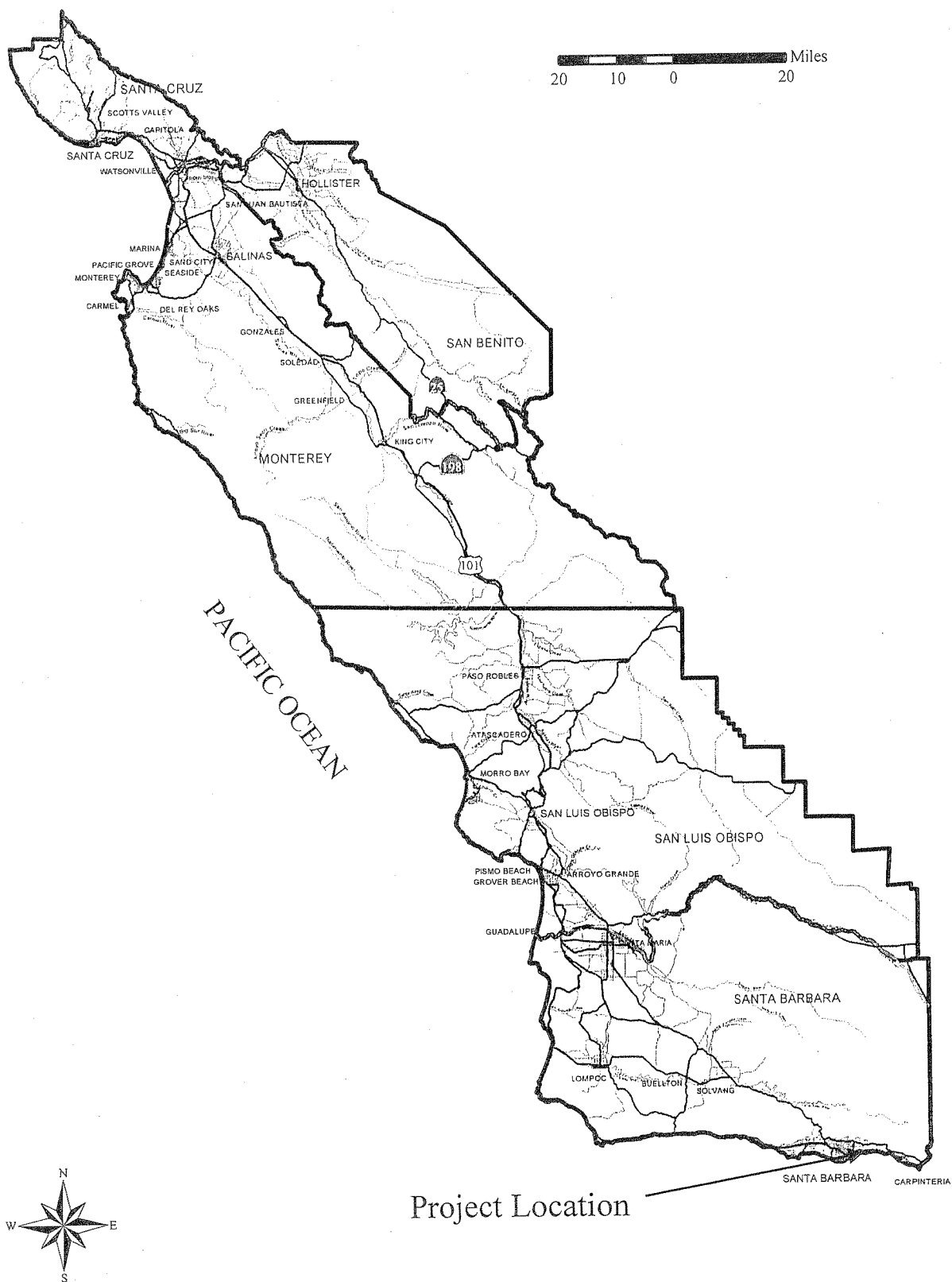


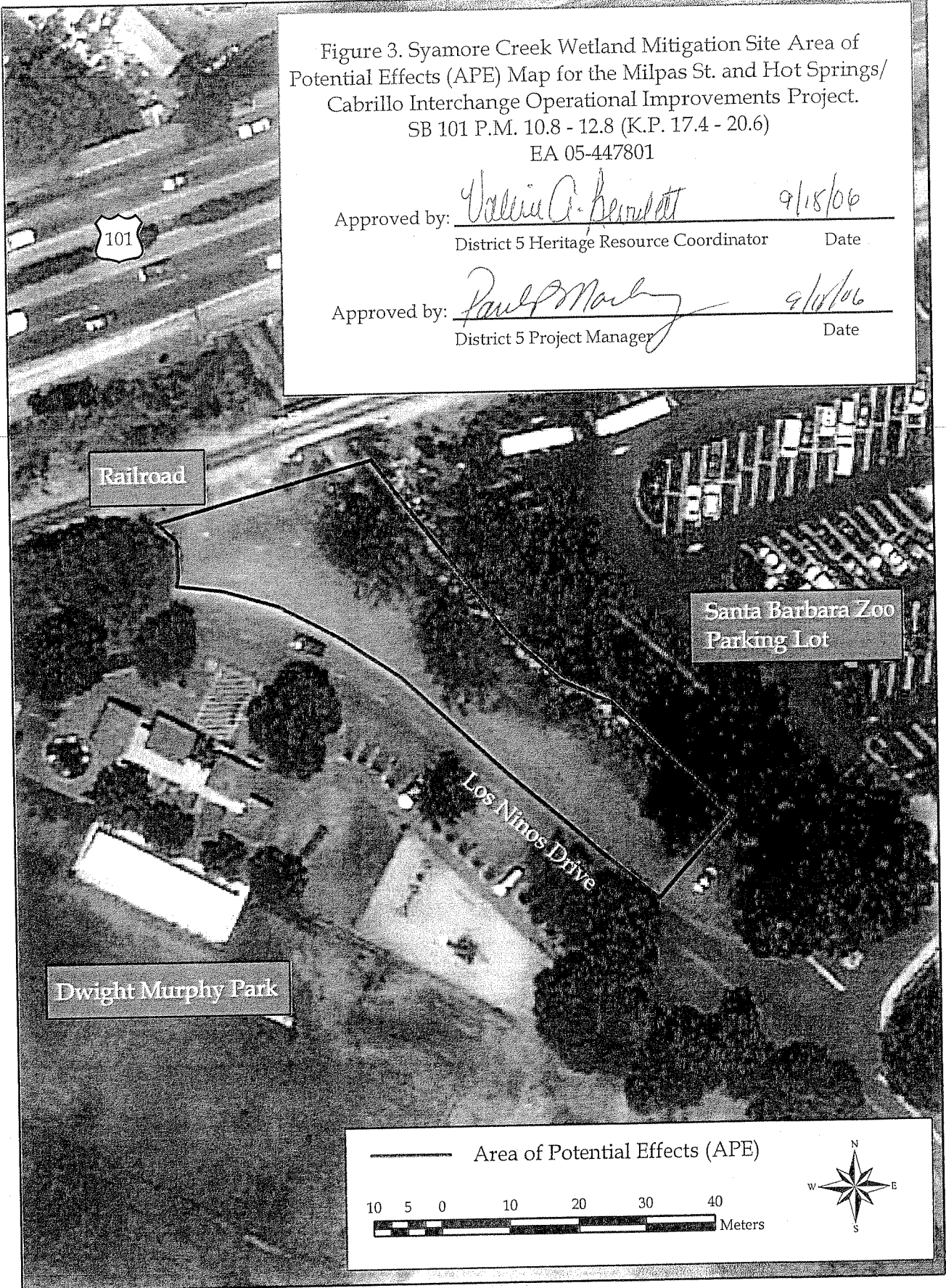
Figure 3. Syamore Creek Wetland Mitigation Site Area of Potential Effects (APE) Map for the Milpas St. and Hot Springs/ Cabrillo Interchange Operational Improvements Project.

SB 101 P.M. 10.8 - 12.8 (K.P. 17.4 - 20.6)

EA 05-447801

Approved by: Valerie A. Bennett 9/18/06  
District 5 Heritage Resource Coordinator Date

Approved by: Paul P. Marley 9/18/06  
District 5 Project Manager Date





Mitch  
Dallas/D05/Caltrans/CAGov  
09/21/2006 08:33 AM

To Michael Sandeck/D05/Caltrans/CAGov@DOT  
cc  
bcc  
Subject Fw: SB HWY 101- BO # PAS 109.115.465 Update-  
Sycamore Creek and Andree Clark Bird Refuge

----- Forwarded by Mitch Dallas/D05/Caltrans/CAGov on 09/21/2006 08:33 AM -----



Steve\_Kirkland@fws.gov  
06/21/2006 10:56 AM

To Mitch Dallas <mitch\_dallas@dot.ca.gov>  
cc  
Subject Re: SB HWY 101- BO # PAS 109.115.465 Update-  
Sycamore Creek and Andree Clark Bird Refuge

Mitch:

I agree that the addition of the wetland mitigation site to the project description does not trigger the reinitiation criteria for the subject biological opinion. If there are subsequent changes to the project that would cause an effect not considered in the biological opinion or if the amount or extent of incidental take anticipated in the biological opinion is exceeded, please contact us. Additional reinitiation criteria are provided in 50 CFR section 402.16 and the closing statement of the biological opinion.

Steve

Steve Kirkland  
Fish and Wildlife Biologist  
Ventura Fish & Wildlife Office  
2493 Portola Road, Suite B  
Ventura, CA 93003

805-644-1766 ext. 267

steve\_kirkland@fws.gov

Mitch Dallas  
<mitch\_dallas@dot  
.ca.gov>

06/20/2006 09:56  
AM

steve\_kirkland@fws.gov

To

cc

Subject  
SB HWY 101- BO # PAS 109.115.465  
Update- Sycamore Creek and Andree  
Clark Bird Refuge

